

HB 288 70
SENATE JUDICIARY
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BILL NO. HB228

TESTIMONY
BY
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President,
THE UNIVERSITY OF MONTANA
In opposition to HB 228
17 March 2009

Mr. Chairman and Members of the Committee.

Good morning and thank you for the opportunity to have this testimony read and entered into the record on behalf of the The University of Montana and its affiliated campuses — which include The University of Montana-Missoula, The University of Montana Western, Montana Tech of The University of Montana, and The University of Montana Helena College of Technology — in opposition to the adoption of HB 228.

This year marks my 19th as a member of the administration and faculty of my *alma mater*, The University of Montana. I want to stress the importance of maintaining an atmosphere on the campus and in the Missoula community conducive to safety and student learning. We hold the safety of our students as the highest priority, and we have taken concrete steps to fulfill that priority. Moreover, as I will discuss briefly, we have reason to believe that our students and their parents share that concern. Adopting HB 228 does not assist us in our efforts to assure a safe and supportive learning environment, but conflicts with that objective.

The legislation under consideration allows any person to carry a concealed weapon, regardless of misgivings about past conduct and/or probability of future transgressions. We have deep concern with the lack of a permit process in order to keep weapons out of the hands of potential offenders. In addition, I personally have serious reservations about shifting the burden of proof for self-defense from the defendant to the prosecution. Currently, the defendant must prove self-defense. If adopted, this legislation moves the burden to the State to prove that an assault did not constitute self-defense, the reverse of current procedure. This reversal has serious implications in cases of domestic violence, certainly a matter of serious concern in every community.

The University of Montana has a policy governing firearms (which includes rifles, handguns, archery equipment, bows and arrows, shotguns of any type or caliber, BB guns, and pellet guns) requiring registration and storage in authorized areas until checked out for use off campus. Failure to adhere to this firearms policy violates the campus student conduct codes. Please note that failure to register does not constitute a crime, but involves severe sanctions under the student conduct codes.

Under existing policy, if people observe someone other than a law enforcement officer with a gun on campus, they recognize a violation and call the law enforcement agency. A policy allowing people with permits to carry a concealed weapon on campus will remove the immediate alarm by undermining the assumption of a violation. Today's college students as adults have the presumed maturity to make good decisions. However, the use of deadly force requires split second judgment with little or no room for error. Access to weapons can and will lead to accidental discharge or use during a time of crisis, whether suicidal or in other situations that involve a confrontation. Allowing concealed weapons in confined and crowded spaces, such as occurs on a University campus, even if only for persons holding permits, poses huge challenges with regard to unplanned, unexpected and, unauthorized uses. I doubt that anyone wants these kinds of situations to occur.

Recent studies focused on the views of prospective students and their parents show clearly the importance of campus safety as paramount in their minds. Armed, untrained people on campus will undermine rather than promote or encourage safety. While some may find that view objectionable, the studies indicate the widespread acceptance of it.

Consider if you will, two final points:

Currently more than 1,200 concealed weapon permits exist in Missoula County, held by persons with an average age of 51 years old. The life experience of these permit holders certainly exceeds that of an average college student.

The Montana Law Enforcement Academy prohibits students from carrying weapons – students who currently have the status as law enforcement officers legally authorized to carry a concealed weapon, selected on the basis of very strict criteria. I believe it makes good sense and reflects prudent judgment to follow the lead of law enforcement trainers in terms of how they conduct business and classes at the Academy.

With all due respect, I strongly request that you oppose HB 228.

Thank you very much for your attention.

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